MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UPP 4712 – PROFESSIONAL PRACTICE I

(All Sections / Groups)

12 OCT 2019
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 4 Questions only.

3. This paper consist of two parts. Part A is compulsory. Part B to attempt either question 4 (a) or question 4 (b). The distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of Legal Profession Act 1976 (Act 166), Rules & Orders. "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A : COMPULSORY

QUESTION 1

Rashin is a practicing lawyer at Messrs. Rashin & Co. for the past 8 years. Both Rashin and his partner preferred area of practice is in criminal litigation and therefore they choose to focus in criminal litigation matters. Last month Rashin managed to obtain and is handling few important high profile criminal cases. He is quite well known amongst the reporters from local Media due to high profile cases and his friendly appearance.

Last week, Rashin was approached by a managing partner cum editor from Bersinar Media who proposed to pay him RM500,000 if Rashin agreed to disclose the facts of one case involved one well-known VIP. Rashin took few weeks to think about the matter and lastly agreed to reveal the facts as he was desperately needs the money to replace some amount of money that he has taken from the Client's Account. He used the money for his son's wedding dinner and also to pay his personal debts. His partner, Ridhu already warned him few times not to use the Client's Account in whatsoever situation, however Rashin refused to listen to Ridhu advise.

Due to all the problem, Rashin lost his focus and became very irresponsible. He has failed to filed in important documents to the Court. He was also unprepared for cases in Court and failed to attend hearing as scheduled with unreasonable reasons such as overslept and forget dates.

Explain Rashin's conduct as an advocate & solicitor in relation to the law and rules governing the legal profession.

(Total: 25 marks)

Continued...

QUESTION 2

Firdaus is an advocate & solicitor practice under the name and style of 'Firdaus & Associates'. He is a conveyancing and litigation lawyer and operate his firm in Kuantan. He decided to expand his firm business since he sees good prospect in Selangor area. Last month he opened a branch in Shah Alam which was managed by his cousin, Zailan, a retired interpreter. Firdaus assigned the management of the firm totally to Zailan and only comes for visit once a week. Zailan will do all the necessary and acting like a lawyer in the firm by arranging and meeting clients, transact the business of the firm and procure legal business for the firm. Zailan is paid a monthly salary of RM3,000 and he gets commission of 20% for each files that he brings to the firm.

Other than that, Firdaus also invested some of his money in a hotel business, run by his sister, Salwa near Shah Alam area. He will visits the office twice a week to ensure the smooth operation of the hotel business.

Discuss on the ethical issues affecting Firdaus with reference to the relevant rules in the legal profession.

(Total: 25 marks)

QUESTION 3

Under a Legal Profession Act 1976, no person shall practice or do any act as an advocate and solicitor unless he is qualified as an "authorized person".

Elaborate the above statement with reference to the relevant authorities regarding authorised person and its exceptions.

(Total : 25 marks)

Continued...

PART B : ANSWER EITHER QUESTION 4A OR QUESTION 4B.

QUESTION 4A

Jack, an advocate and solicitor acts for Reacher the vendor in the sale and purchase transaction of a piece of property. William is the advocate and solicitor for the purchaser. It is a term of the Sale and Purchase Agreement that there is an undertaking by Jack to deliver the document of title to Wiliam within 14 days after receipt of the balance of the total purchase price.

Jack received the balance of the total purchase price one month ago but has failed to forward the document of title to William till to date.

Based on the above situation, assess Jack's conduct in relation to the undertaking given by him to William and its enforcement.

(Total : 25 marks)

QUESTION 4B

Rule 4 of Solicitors' Account Rules 1990 stated :

There may be paid into a client account -
(a) a trust money;

(b) such money belonging to the solicitor as may be necessary for the purpose of opening or maintaining the account;

(c) money to replace any sums which may by mistake or accident have been drawn from the account in contravention of subrule (2) of rule 8; and

(d) a cheque or draft received by the solicitor which under rule 5 he is entitled to split but which he does not split.

Continued...

With references to the above rule, answer the following:

(a) A vendor requested for the purchased price to be paid to him as the transaction has been completed. However, the money is not in the client's account. It has been used by the firm's account staff to pay the firm's expenses and loan. The firm has given a signatory power to the account staff to take out money from the clients account and used when necessary.
Assess the wrong act committed by the firms.

(15 marks)

(b) Would your answer be different if the firm was able to pay the vendor six (6) months after his request?

(10 marks)

(Total: 25 marks)

End of page.